

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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In re:

Chapter 11

BLITMAN SARATOGA LLC,

Case No.: 20-23177 (RDD)

Debtor.

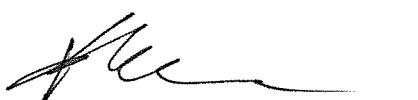
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NOTICE OF SALE CLOSINGS

PLEASE TAKE NOTICE, that the Debtor closed and consummated the respective sales of the homes at 47 Jane Street and 49 Jane Street. Pursuant to the prior Order approving the sales, the required escrows for broker's commissions (\$48,150) and the confirmation fund (\$600,000) have been established with the undersigned. Attached hereto are copies of the respective closing statements for 47 Jane Street (Exhibit "A") and 49 Jane Street (Exhibit "B").

Dated: New York, New York
April 6, 2022

Goldberg Weprin Finkel Goldstein LLP
Attorneys for the Debtor
1501 Broadway, 22nd Floor
New York, New York 10036
(212) 221-5700

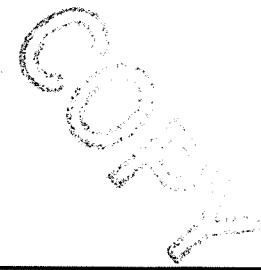
By:



Kevin J. Nash

EXHIBIT A

SELLER'S CLOSING STATEMENT
MAZZOTTA & VAGIANELIS, P.C.
9 Washington Square
Albany, New York 12205



SELLER: Blitman Saratoga LLC EIN #45-4897437

PURCHASER: Richard Michael Bennice & Catherine Bennice

PROPERTY: 47 Jane Street (Lot #19 Beaver Pond Village), City of Saratoga Springs

DATE: March 30, 2022 [Adjustment Date January 31, 2022]

DUE SELLER:

Purchase price:	\$ 438,000.00
Cost of Upgrades	<u>\$ 35,328.00</u>
ADJUSTED PURCHASE PRICE:	\$ 473,328.00
2020-21 School Taxes (Adjusted): $\$1,038.50 / 365 = \$2.8452 / \text{day} \times 150 \text{ days}$	\$ 426.78
2022 City Taxes (Adjusted): $\$579.85 / 365 = \$1.5886 / \text{day} \times 334 \text{ days}$	\$ 530.59 See note 1
Water & Sewer Credit (1/31/22 – closing)	\$ 67.89 See note 2
Rental 1/31/2022 – 3/29/2022 = 58 days @ \$65.00/day	\$ 3,770.00
HOA Dues (Adjusted) [2/1/2022-3/30/2022]	\$ 191.63
Water Meter Installation/per contract	\$ 350.00
Survey Fee:	<u>\$ 850.00</u>
TOTAL DUE SELLER:	\$ 479,514.89

NOTE 1: City tax bill includes water/sewer re-levy of \$546.85 – adjusting full year on base amount

NOTE 2: Basic charge \$86.00; Purchaser share from 1/31= 54/112 x \$86 = \$41.64 + \$9.21 water use + \$17.22 sewer use = \$67.89

CREDITS TO PURCHASER:

Deposit on Contract: \$23,800 held by M&V, P.C., \$20,000 bonded	\$ 43,800.00*
Additional Deposit to MV Attorneys, Pre-Occupancy Agreement	\$ 10,000.00*
Additional Deposits Provided to Seller (11/21 \$25,000.00 + 12/21 \$7,500.00)	\$ 32,500.00
Prepaid Upgrades [Paid October and November 2021]	\$ 35,328.00
Credit for upgrades [\$2,500 rear porch, \$1,200 steps to grade]	\$ 3,700.00
Interest on Escrow Account:	\$ 47.27
Water & Sewer Credit – Household Meter	\$ 162.43
	<u>(\$ 125,537.70)</u>
ADJUSTED BALANCE:	\$ 353,977.19

Expenses of Seller to be Paid by Purchaser (Payees bold type):

(1) Recording/Filing Fees: **Saratoga County Clerk** [No fee for Mechanic's Lien Release] **NOTES:**

(a) Release of 47 Jane Collateral/Saratoga Funding

Release of Mortgage/ALR:	\$ 55.00
UCC-3 (County):	<u>\$ 40.00</u>

(2) **NYSDOS**

(a) Release of 47 Jane Collateral/Saratoga Funding:

NYSDOS -UCC3 (lot release)	\$ 40.00
NYSDOS -UCC3 (LOC Lot release)	\$ 40.00

(4) **Goldberg Weprin Finkel Goldstein LLP IOLA**

(KW Commission \$10,950.00, Roohan Realty \$10,950.00), both to be separately applied for, per Court Order) \$ 21,900.00 ***

(5) Attorneys' Fee: **Mazzotta & Vagianelis, PC** \$ 1,550.00

(6) **Spinnaker Management LLC/ BPV HOA Dues to 3/30/2022** \$ 271.48

(7) **Goldberg Weprin Finkel Goldstein LLP IOLA – Balance required**

To create pre-confirmation escrow account, per Court Order (see note) \$ 54,998.03 **

(8a) Mortgage Release Lot Fee Saratoga Funding LLC	\$ 88,235.00 **
(8b) Line of Credit Paydown due Saratoga Funding LLC	\$ 170,868.14 **
(9) Mazzotta & Vagianelis, P.C. IOLA – Escrow for Callanan Industries	
And Clemente Latham Lien Release [As per separate agreement]	\$ 10,000.00****
(10) Commissioner of Finance, City of Saratoga Springs (penalties thru March 2022):	
2020 City Tax Bill (Inc. \$106.41 penalty)	\$ 520.11 ["Lien bill"]
2021 City Tax (Inc. \$80.00 penalty)	\$ 657.10
2022 City Tax (\$1,126.70 + \$16.90 penalty)	\$ 1,143.60
Currently Due Water Bill (inc. \$4.56 penalty)	\$ 80.56 \$ 2,401.37
(11) Commissioner of Finance, City of Saratoga Springs (penalties thru March 2022)	
2019-20 School Tax (Inc. \$255.59 penalty)	\$ 1,258.12 ["Lien bill"]
2020-21 School Tax (Inc. \$162.69 penalty)	\$ 1,185.67
2021-22 School Tax (\$1,038.50 + \$95.88 pen.)	\$ 1,134.38 \$ 3,578.17
TOTAL SELLER'S EXPENSES/PAYOFFS:	\$ 353,977.19
<u>NET DUE SELLER:</u>	\$ -0-

***DEPOSITS IN ESCROW:**

1. Contract Deposit: \$43,800.00 -\$20,000.00 bond^{^^} = \$23,800.00 + \$47.27 interest)
IN MV M&T ESCROW ACCOUNT TO BE DISBURSED AS FOLLOWS:

Saratoga Funding, LLC [D-I-P Lender] \$23,847.27

^{^^} NOTE: Down Payment Surety Bond to be returned to Seller's attorney by Purchaser's attorney at closing

2. Additional Deposit Made January 2022 (occupancy agreement) = \$10,000.00

IN MV BOA (IOLA) ESCROW ACCOUNT TO BE DISBURSED AS FOLLOWS:

Saratoga Funding, LLC [D-I-P Lender] \$10,000.00

HOA Dues:

***A separate check of \$6.39 payable to Beaver Pond Village Homeowner's Association, Inc. shall be due from Purchaser at closing for balance of March 2022 dues.**

NOTES:

** Per Order of SDNY Bankruptcy Court dated, filed and entered March 16, 2022, the sum total of \$600,000.00 will be set aside from the net proceeds of the subject closing and the closing of 49 Jane Street (Colella), which occurred March 25, 2022, in order to provide funds to "establish a separate pre-confirmation escrow account with Debtor's [Seller's] counsel (the "Plan Escrow") such that such funds are immediately available to facilitate the funding of a plan of [Debtor's/Seller's] reorganization". In addition to the \$545,001.97 set aside from the Colella closing, an additional \$54,998.03 will be disbursed from this closing to fully fund the "pre-confirmation escrow account".

In connection with such funding and consistent with the Stipulation between SARATOGA FUNDING LLC, the D-I-P Lender, and the Seller/Debtor and the above-mentioned SDNY Bankruptcy Court order, net proceeds from the sale of the 49 Jane Street property were fully utilized to partially "fund" the Plan Escrow. The balance of proceeds from this closing (47 Jane) shall be paid to "the DIP Lender to reduce the [principal balance of the] BSNB Loans (as defined in the DIP Order) assigned by BSNB (as defined in the DIP Order)". These principal payment items are identified as ##8a and 8b above; in addition, escrows held by Seller's attorney (totaling \$33,847.27) shall also be paid to the order of the D-I-P lender.

*** PER 3/16/2022 COURT ORDER, all brokerage commissions from the subject sale and the 49 Jane St. sale will be set aside from closing proceeds, placed in escrow with Seller/Debtor's bankruptcy counsel and held "pending submission of an application or applications for allowance thereof under 11 U.S.C. § 330, which application(s) shall include a certification from the brokers involved as to the division of the respective commissions among them".

**** PER 3/16/2022 COURT ORDER, the amount of any outstanding/unpaid Mechanic's Lien, PLUS two (2) years' interest at the statutory rate, shall be set aside from closing proceeds, placed in escrow with Seller/Debtor's bankruptcy counsel, Goldberg Weprin Finkel Goldstein LLP, and held in escrow "until such dispute is resolved by the parties or an order of the Court". Per separate agreement between bankruptcy counsel and Callanan's counsel, \$10,000 is being placed in escrow for up to 30 days, to permit Debtor the opportunity to "challenge" said lien and three (3) others.

EXHIBIT B

SELLER'S CLOSING STATEMENT

MAZZOTTA & VAGIANELIS, P.C.
9 Washington Square
Albany, New York 12205

SELLER: Blitman Saratoga LLC EIN #45-4897437

PURCHASER: Vito Colella and Barbara Colella

PROPERTY: 49 Jane Street (Lot #18 Beaver Pond Village), City of Saratoga Springs

DATE: March 25, 2022

DUE SELLER:

Purchase price [Approved, 3/16 SDNY Bankruptcy Court order]: \$691,000.00

Tax adjustments:

School Taxes (Adjusted): \$1,038.50 / 365 = \$2.8452/day x 97 days \$ 275.98

City/Co. Taxes (Adjusted): \$931.40 / 365 = \$2.5518/day x 281 days \$ 717.06

BPV HOA Dues (Adjusted) \$ See below

Water Meter Installation/per P5 of contract \$ 350.00

Survey Fee, per P5 of contract [Boswell POC] \$ 850.00

TOTAL DUE SELLER: \$ 693,193.04

CREDITS TO PURCHASER:

Deposit on Contract: **held by M&V, P.C.** \$ 69,100.00**

Interest on Escrow Account: \$ 4.73

Water & Sewer Credit/Sprinkler (Meter Install + Final read fee): \$ No adj

Water & Sewer Credit/Household Meter (per reading) \$ 151.10

(\$ 69,255.83)

ADJUSTED BALANCE: \$ 623,937.21

Expenses (Court-ordered and otherwise) of Seller to be Paid by Purchaser (payees bold type):

(1) Recording/Filing Fees: **Saratoga County Clerk** [No fee for cancel NoP/stip discontinuance]

(a) Release of 49 Jane Collateral/Saratoga Funding

Release of Mortgage/ALR: \$ 55.00
UCC-3 (County): \$ 40.00 \$ 95.00

(2) **NYSDOS**

(a) Release of 49 Jane Collateral/Saratoga Funding:

NYSDOS -UCC3 (lot release) \$ 40.00
NYSDOS -UCC3 (LOC Lot release) \$ 40.00 \$ 80.00

(3) **Graig and Giovanna Eastin** (\$113,250 per stipulation +
4 x \$100/day delay past 3/20/2022, per stipulation) \$ 113,650.00

(4) **Goldberg Weprin Finkel Goldstein LLP IOLA** (KW Commission, to
be separately applied for, per Court order) \$ 26,250.00

(5) Attorneys' Fee: **Mazzotta & Vagianelis, PC** \$ 1,250.00

(6) **Spinnaker Management LLC/ BPV HOA Dues** \$ 47.91

(7) **Commissioner of Finance, City of Saratoga Springs** (penalties thru March 2022):

2020 City Tax Bill (Inc. \$106.41 penalty) \$ 520.11
2021 City Tax (Inc. \$126.13 penalty) \$ 1,034.58
2022 City Tax (\$931.40 + \$13.97 penalty) \$ 945.37
Currently Due Water Bill (inc. \$5.01 penalty) \$ 88.42 \$ 2,588.48

(9) **Commissioner of Finance, City of Saratoga Springs** (penalties thru March 2022)

2019-20 School Tax (Inc. \$256.00 penalty) \$ 1,258.53
2020-21 School Tax (Inc. \$162.69 penalty) \$ 1,185.67
2021-22 School Tax (\$1,038.50 + \$95.88 pen.) \$ 1,134.38 \$ 3,578.58

TOTAL SELLER'S EXPENSES/PAYOUTS: \$ 147,539.97

CONTINUED.....

BALANCE DUE SELLER: [\$623,937.21 - \$147,639.97] = \$ 476,397.24

Payable as Follows [*SEE NOTE BELOW]:
Goldberg Weprin Finkel Goldstein LLP IOLA

\$ 476,397.24

****DEPOSITS IN ESCROW: Colella \$69,100.00 PLUS Eastin Balance \$2,250.00*****
[MV Attorneys] Plus \$4.73 Escrow Balance Credited to Colella
Plus \$12.75 Escrow Balance Credited to Eastin

TOTAL: \$71,367.48

TO BE DISBURSED AS FOLLOWS:

(1) Goldberg Weprin Finkel Goldstein LLP IOLA	\$68,604.73*
(2) Graig R. Eastin and Giovanna Eastin	\$ 2,762.75***

NOTES:

* Per Order of SDNY Bankruptcy Court dated, filed and entered March 16, 2022, the sum of \$600,000.00 will be set aside from the net proceeds of the subject closing and the closing of 47 Jane Street (Bennice), tentatively scheduled for Wednesday, March 30, 2022, in order to provide funds to “establish a separate pre-confirmation escrow account with Debtor’s [Seller’s] counsel (the “Plan Escrow”) such that such funds are immediately available to facilitate the funding of a plan of [Debtor’s/Seller’s] reorganization”. At present, a total of **\$545,001.97** will be utilized to partially fund the “pre-confirmation escrow account”.

In connection with such funding and consistent with the Stipulation between SARATOGA FUNDING, LLC, the D-I-P Lender and the Seller/Debtor and the above-mentioned SDNY Bankruptcy Court order, net proceeds from the sale of the 47 Jane Street property will be utilized to “fund” the remaining balance of the Plan Escrow AND to pay “the DIP Lender to reduce the [principal balance of the] BSNB Loans (as defined in the DIP Order) assigned by BSNB (as defined in the DIP Order)”.

** and *** Per 1/5/2022 stipulation between the Eastins and the Seller/Debtor, incorporated into the motion of Seller/Debtor for approval, *inter alia*, of the Eastin settlement (contract termination) and the subject sale, a total of \$116,000.00 was to be paid to the Eastins, consisting of a \$113,250 “Resale Payment” and the return of “the non-bonded deposit of \$2,750 currently held in escrow by the Debtor’s pre-petition real estate counsel”. The amount of the deposit set forth in the stipulation was incorrect, as only \$2,250 from the initial Eastin contract deposit remains on deposit with our office. In addition, the “Resale Payment” amount was not correctly set forth (\$113,000 instead of \$113,250) in the proposed (final) Order, ultimately signed by Judge Drain. The additional corrective amounts (\$250 + \$500) PLUS the agreed upon \$100 per day super-priority claim (\$400.00) are being added to the amounts set aside and paid over to the Eastins. Eastins will receive a total of \$116,412.75 [\$113,650.00 + \$2,762.75].

PER 3/16/2022 COURT ORDER, all brokerage commissions from the subject sale and the 47 Jane St. sale will be set aside from closing proceeds, placed in escrow with Seller/Debtor’s bankruptcy counsel and held “pending submission of an application or applications for allowance thereof under 11 U.S.C. § 330, which application(s) shall include a certification from the brokers involved as to the division of the respective commissions among them”.